

Agenda Item #24

Caltrans Draft Statewide Stormwater Permit

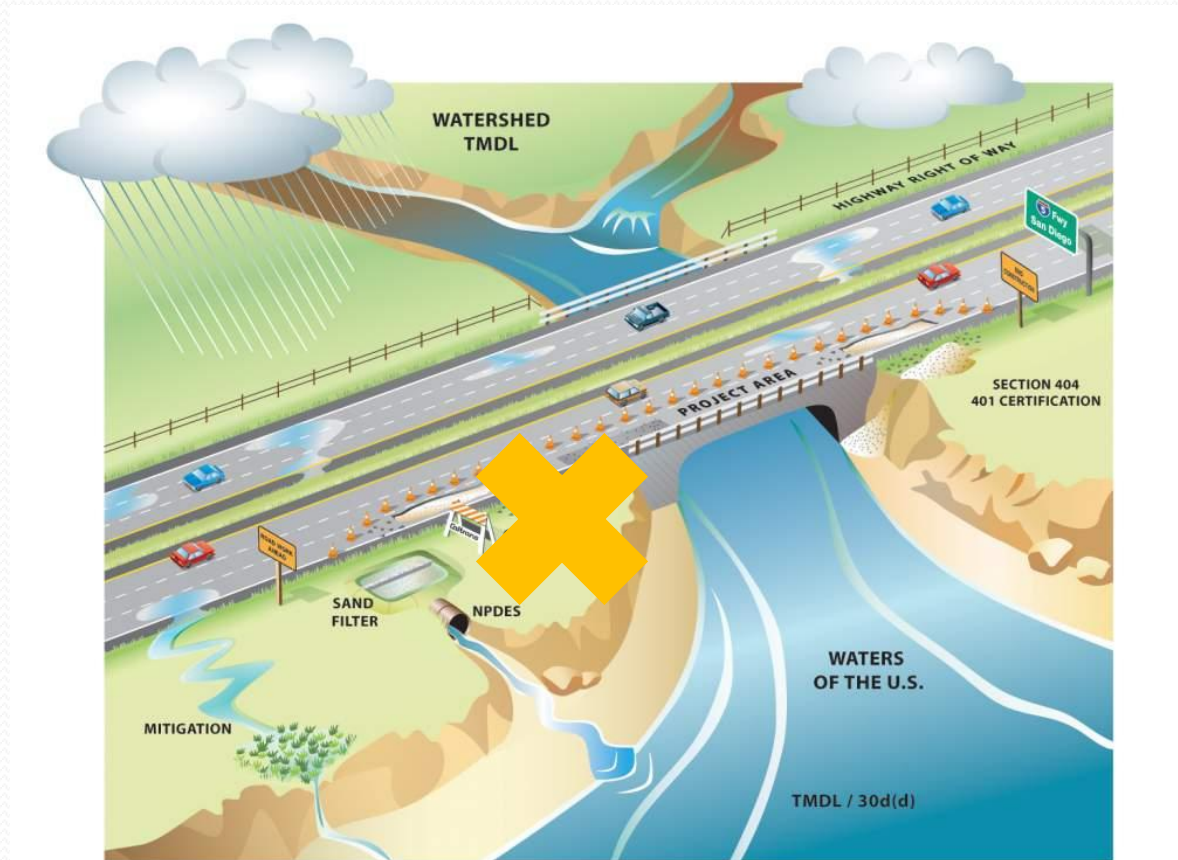
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Storm Water Runoff

- *Requirements of the Federal Clean Water Act and California's Porter-Cologne Act*
- Construction General Permit effective July 1, 2010
- 70+ Total Maximum Daily Loads (TMDLs)
 - Watershed mandates
 - Could grow to 200+ TMDLs
 - Two-thirds of the State
- Areas of Special Biological Significance (ASBS)
 - Coastal water quality mandates
- Enforcement Actions
- ***Caltrans Statewide "Municipal" Storm Water Permit***



Municipal Stormwater Permit covers all our activities (planning through operation)



Construction General Permit is a separate permit - only for construction phase.

Caltrans' Statewide Municipal Storm Water Permit

- First issued in 1999
 - Avoids being party to many local municipal permits
 - Should have been reissued in 2004
- “Tentative Order” (Draft Permit) out for public review on January 7, 2011*
 - 12 years later, it's a “third generation” permit
 - Clarification meetings held with the State Board (Feb/March)
 - Comments submitted March 14, 2011
 - Public Hearing in July 2011
 - Permit planned to be issued in October 2011

Issues with the Draft Permit

- High Costs
 - Up to \$1 Billion* per year additional for Owner-Operator
 - Additional \$600 million/year for projects?
- Potential to Delay Projects
- Problematic Monitoring and Analysis Requirements
 - Appears to put us in permanent noncompliance
- Liability Issues
 - Noncompliance
 - Responsibility for agricultural and urban runoff crossing ROW
- Potential Inconsistency
 - Ability of Regional Boards to add requirements



Resolution

- Working cooperatively with State Water Resources Control Board
- Our Recommendation
 - Avoid unrealistic standards that lead to automatic noncompliance
 - Get a “box” around the costs
 - Maximum water quality benefit for the expenditure
 - Reduce monitoring and analysis to a reasonable level
 - A consistent *STATEWIDE* approach
 - Grace period / implementation schedule to avoid waste

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